

**REMARKS****Summary of the Office Action**

Claims 1-6, 8 and 10-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Okada (U.S. Publication No. 2001/0028785) (hereinafter "Okada") in view of Aratani (U.S. Patent No. 7,137,136) (hereinafter "Aratani").

Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Okada in view of Aratani and further in view of Nozaki et al. (U.S. Patent No. 6,243,353) (hereinafter "Nozaki").

Claim 9 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Okada in view of Aratani and further in view of Rodriguez (US Publication No. 2003/0002862) (hereinafter "Rodriguez").

**Summary of the Response to the Office Action**

Applicants have amended each of independent claims 1 and 14 to differently describe embodiments of the disclosure of the instant application. Accordingly, claims 1-14 currently remain pending for consideration.

**Rejections under 35 U.S.C. § 103(a)**

Claims 1-6, 8 and 10-14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Okada in view of Aratani. Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Okada in view of Aratani and further in view of Nozaki. Claim 9 stands

rejected under 35 U.S.C. § 103(a) as being unpatentable over Okada in view of Aratani and further in view of Rodriguez.

Independent claim 1 of the instant application is directed to an advantageous combination of features of a “video recording apparatus” including a feature of a secondary storage control device which detects, as archived recording programs, broadcasting programs having higher priorities and which stores in a secondary storage device. Claim 1 also includes a feature of a primary storage control device which detects, as regular recording programs, several broadcasting programs according to priorities, and which stores in a primary storage device.

The Office Action applies Okada as meeting the secondary storage control device features of independent claim 1 of the instant application. Such an assertion is respectfully traversed because Applicants respectfully submit that Okada merely discloses that broadcasting video image data is stored in a first storage unit at all times, and the video image data stored in the first storage unit is read and stored in a second storage unit at a time indicated for recording.

Thus, Applicants respectfully submit that Okada does not disclose or suggest the feature of a “secondary storage control device” as particularly described in independent claim 1 of the instant application. More particularly, the secondary storage control device of independent claim 1 detects, as archived recording programs, broadcasting programs having higher priorities. Accordingly, Applicants respectfully submit that the combination of features of independent claim 1 of the instant application is particularly different from the disclosure of Okada.

The Office Action applies Aratani in combination with Okada as allegedly teaching independent claim 1’s features of a primary storage control device. Such an assertion is respectfully traversed for at least the following reasons.

Applicants respectfully submit that Aratani merely discloses a preferred program search process, i.e., the feature of "for a program satisfying a preferred program search condition, a predetermined score is added for each search condition." Applicants will now compare features of independent claim 1 of the present application with the disclosure of Aratani in order to explain their differences.

Claim 1 of the instant application refers to two kinds of storage devices, i.e., a secondary storage device and a primary storage device. Applicants respectfully submit that programs to be stored in the secondary storage device are different from those in the primary storage device in terms of priorities. In other words, Applicants respectfully submit that while broadcasting programs having higher priorities are stored as archived recording programs in a secondary storage device, several broadcasting programs according to priorities are stored as regular recording programs in a primary storage device. Applicants respectfully submit that this advantageous feature of independent claim 1 of the instant application is neither disclosed nor suggested in Aratani.

Accordingly, Applicants respectfully submit that the advantageous combination of features of independent claim 1 of the instant application are not rendered obvious by the Office Action's asserted combination of Okada and Aratani for at least the foregoing reasons.

Independent claim 14 of the instant application includes similar features as discussed above with regard to independent claim 1 of the instant application. Accordingly, similar arguments as discussed above with regard to independent claim 1 of the instant application also apply to independent claim 14 of the instant application.

Applicants respectfully assert that the rejections under 35 U.S.C. § 103(a) should be

withdrawn because Okada and Aratani, whether taken separately or combined, do not teach or suggest each feature of independent claims 1 or 14 of the instant application. As pointed out in MPEP § 2143.03, “[a]ll words in a claim must be considered in judging the patentability of that claim against the prior art.’ In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970).”

With regard to the rejections of the dependent claims 2-13, Applicants respectfully submit that these dependent claims are allowable at least because of their dependence from their respective base claim 1, as discussed above. Also, Applicants respectfully submit that the additionally applied references to Nozaki and Rodriguez do not cure the deficiencies of Okada and Aratani, as discussed above.

### **CONCLUSION**

In view of the foregoing amendments and remarks, withdrawal of the rejections and allowance of all pending claims are earnestly solicited. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants’ undersigned representative to expedite prosecution. A favorable action is awaited.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including

any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

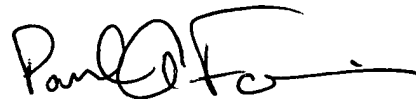
This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

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